



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

No. 69.

An Act to amend an Act intituled the "Licensed Victuallers Act, 1869."

[Assented to, 21st December, 1877.]

WHEREAS it is expedient to amend the "Licensed Victuallers Act, 1869"—Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as "The Licensed Victuallers Amendment Act, 1877," and shall commence and take effect from and after the passing hereof. Short title.

2. Except so far as the same is inconsistent with or altered by this Act, the "Licensed Victuallers Act, 1869," shall be incorporated and read herewith as forming one Act. Incorporation.

3. Section 20 of the "Licensed Victuallers Act, 1869," is hereby repealed. Repeal.

4. Every person desirous of procuring a publican's, storekeeper's, or wine licence under this Act shall, twenty-eight days before the date of such meeting, post on the outer door of the premises proposed to be licensed, a written notice in the form contained in Schedule A to the "Licensed Victuallers Act, 1869," as the case may be, and shall deliver to the Clerk of the Licensing Bench for the District written notices in the forms, as the case may be, contained in Schedule A to the said "Licensed Victuallers Act, 1869," accompanied Manner of application for new licences.

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Separate tap or tap-room.

accompanied by a certificate of at least three known housekeepers residing in the district wherein the intended premises are situated, and in the form described in Schedule B to the said "Licensed Victuallers Act, 1869"; and if the application be for a publican's licence and the applicant shall be desirous of keeping a tap or taproom, or tap and taproom detached from his *bonâ fide* dwelling-house, or in such house, but having any other outer door thereto than the house itself has (which desire shall be fully expressed in his notice), accompanied by another certificate from at least two known housekeepers residing in the said Province, in the form described in such Schedule, with notice of the name, residence, trade or calling of the person therein mentioned, who may be proposed to have the personal management and superintendence of the same tap or taproom, or tap and taproom: Provided always, that every person applying for a licence, except a storekeeper's licence, for premises which have not been licensed before, shall have no power to withdraw the said application until it has been heard, and shall, twenty-eight days before the meeting immediately previous to the meeting at which such application is to be made, deposit with the Clerk to the Licensing Bench for the district plans of the buildings erected, or to be erected, on such premises, which plan shall be open for inspection, and shall be produced by the Clerk of the Licensing Bench of the district to which the application is to be made at such first mentioned meeting; and that at any subsequent meeting of the Bench, the Bench, on application for a licence being made in the usual form, shall decide whether a licence is to be granted or not to such house when completed to the satisfaction of the Bench, according to the plans deposited, and by a time to be fixed by the Bench: And provided, also, that no person in a situation under Government, nor any constable, sheriff's officer, or other person employed to execute any legal process, nor any licensed auctioneer, shall hold a licence under this Act.

Witnesses may be summoned.

5. Any applicant, or any person making any objection to any application for any licence, may obtain, at the office of the Clerk of the Licensing Bench for the district, summonses to witnesses, on payment for the same to the said Clerk of the sum of Sixpence for his charge, which shall be in the form following, or to the like effect:

South	[Royal Arms.]	Australia.
No.	Summons to Witness.	
Licensing Bench for		
In the matter of the application of		
of	for a	licence for
You are hereby required to attend at the		
	on	the day of
		187,
at the hour of o'clock in the forenoon, to give evidence in the		
above application, and to continue in attendance until the said		
application shall be disposed of, and there to have and produce		
and all other books, papers, writings, and		
other documents relating to the said application which may be in		
		your

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your custody, possession, or power. In default of your attendance you will be liable to a penalty of Ten Pounds,

Dated this day of 187 .

Clerk to the said Licensing Bench.

To

6. Any witness duly summoned, and to whom payment or a tender of payment of his expenses shall have been made, as follows: Laborers, Five Shillings per diem; women, and children under fifteen years of age, Three Shillings; persons above laboring class, Seven Shillings; travelling expenses per mile, one way, Sixpence; and who shall refuse or neglect, without sufficient cause, to appear; and also every person present in Court who shall be required to give evidence, or who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding Ten Pounds, as the Bench shall impose; and the whole or any part of such fine shall, at the discretion of the Court, be applicable towards indemnifying the party injured by such refusal or neglect.

Penalty on witness duly summoned not appearing.

7. The payment of any fine imposed by any Bench under the authority of this or the Licensed Victuallers Act may be enforced upon the order of the Bench, signed by the Chairman for the time being in like manner as an order of a Justice made under the provisions of an Act intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders," being No. 6 of 1850; or, at the discretion of the Bench, by the committal of the offender to prison for a period not exceeding three calendar months, unless payment thereof shall be sooner made.

Penalties how enforced.

8. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words following, or to the like effect—

Form of conviction.

Be it remembered that on this day of , in the year of our Lord one thousand eight hundred and , is convicted before the Licensing Bench for , under the "Licensed Victuallers Amendment Act," being No. of 1877, of having [state the offence], and the said Bench doth adjudge the said to forfeit and pay for the same the sum of , or to be committed to the Adelaide Gaol for the space of

(s.)

Chairman to the said Licensing Bench.

9. If the holder of a publican's licence shall be desirous of leaving the Province for a time, and of appointing a person to act for him during his absence, such holder may give notice of such his desire to the Clerk of the Licensing Bench, stating the time he requires to be absent, and the name and description of the person he wishes so to

Absence of licensed person.

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to be appointed to act for him, and shall, on receiving notice from the said Clerk to attend before a Special Magistrate with the person he wishes to be appointed, and if such Special Magistrate shall in his discretion deem such person to be a proper person to act, and if such person shall not have been previously refused a licence by any Licensing Bench, such Special Magistrate may grant a certificate, permitting such person so to act for the holder during his absence, for such time, not exceeding twelve months, as such Special Magistrate may in his discretion allow: Provided always, that the person so permitted to act shall be liable to all penalties under the Licensed Victuallers Acts, as the holder of the said licence is liable for

Licensing Benches to
appoint Chairman.

10. The Licensing Benches for the respective districts shall, at their annual meetings, elect a Chairman for each year.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WM. F. DRUMMOND JERVOIS, Governor.